

PATENT APPLICATION
CS8535
LeA 36,334

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: DUNKEL ET AL.)
SERIAL NO: 10/538,242) EXAMINER: D. Williams
FILED: 12/01/2003)
TITLE: BIPHENYLCARBOXAMIDES)

PCT OPERATIONS
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

SECOND PETITION UNDER CFR 1.181

Dear Sirs:

In response to the Decision on Petition under 37 CFR1.181 dated 17 August 2007, applicant respectfully requests the Director reconsider the decision based on submission of the following requirements set forth in 37 CFR1.8(b).

Item 1. Petitioner has satisfied this requirement as stated in the Decision on Petition under 37CFR1.181 dated 17 August 2007.

EXPRESS MAIL NO.: EB312820933US

I hereby certify that this paper or fee is being deposited with the United States Postal "Express Mail Post Office to Addressee" service under 37CFR1.10 on the date indicated above and is addressed to Mail Stop PCT Operations, Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Susan Strickland
Susan Strickland

Item 2. Petitioner submits an additional copy of the previously transmitted correspondence (5 pgs consisting of 2 pgs of facsimile cover sheet, 3 pgs of Combined Declaration and Power of Attorney form), transmission sheet confirmation (1pg) and an auto reply transmission from the United States Patent and Trademark Office (1 pg) transmitted on 15 December 2005.

Item 3. Petitioner submits a Declaration from Richard E.L. Henderson stating first hand knowledge of the previous Submission of Missing Parts under 35 U.S.C. 371 on 15 December 2005, with attachments providing proof of submission.

Petitioner believes all items listed in the Decision on Petition under 37 CFR1.8(b) dated 17 August 2007 are now satisfied.

Applicants respectfully request that the Submission of Missing Parts be afforded the original submission date of 15 December 2005.

This is authorization to charge any additional fees due with this filing to Deposit Account Number 50-2510.

Respectfully submitted,

By Richard E.L. Henderson
Richard E.L. Henderson
Petitioner for Applicants
Reg. No. 31,619

Bayer CropScience LP
2 T.W. Alexander Drive
Research Triangle Park, NC 27709
Ph: 919-549-2183
Fax: 919-549-3994

I hereby appoint:

- Practitioners associated with the Customer Number: 34469

as my/our attorney(s) or agent(s) to prosecute the application identified and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

- The address associated with the above-mentioned Customer Number.

FULL NAME OF SOLE OR FIRST INVENTOR Ralf Dunkel	INVENTOR'S SIGNATURE <i>Ralf Dunkel</i>	DATE 2005-05-1
RESIDENCE D 40789 Monheim, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SECOND INVENTOR Hans-Ludwig Elbe	INVENTOR'S SIGNATURE <i>Hans-L. Elbe</i>	DATE 2005-06-01
RESIDENCE 42329 Wuppertal, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF THIRD INVENTOR Heiko Rieck	INVENTOR'S SIGNATURE <i>Heiko Rieck</i>	DATE 2005-06-10
RESIDENCE F 69110 Ste. Foy-lès-Lyon, France	CITIZENSHIP German	
POST OFFICE ADDRESS 9, rue Claude Monet, F 69110 Ste. Foy-lès-Lyon, France		
FULL NAME OF FOURTH INVENTOR Ulrike Wachendorff-Neumann	INVENTOR'S SIGNATURE <i>Ulrike Wachendorff-Neumann</i>	DATE 2005-06-13
RESIDENCE D 56566 Neuwied, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF FIFTH INVENTOR Peter Dahmen	INVENTOR'S SIGNATURE <i>Peter Dahmen</i>	DATE 2005-05-13
RESIDENCE D 41470 Neuss, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SIXTH INVENTOR Peter Lösel	INVENTOR'S SIGNATURE <i>Peter Lösel</i>	DATE 6.6.05
RESIDENCE D 51371 Leverkusen, Germany	CITIZENSHIP British	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SEVENTH INVENTOR Karl-Heinz Kuck	INVENTOR'S SIGNATURE <i>Karl-Heinz Kuck</i>	DATE 2005-05-30
RESIDENCE D 40764 Langenfeld, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		

COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO

As a below named inventor, I/we hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my/our name. I/we believe I am/we are the original, first and sole/joint inventor/s of the subject matter which is claimed and for which a patent is sought on the invention entitled

BIPHENYLCARBOXAMIDES

the specification of which is attached hereto,

or was filed on **December 1, 2003**

as a PCT Application Serial No. **PCT/EP2003/013498**

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims.

I/we acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I/we hereby claim priority benefits under Title 35, United States Code, §119 and § 119(e)(1) of any foreign and/or U.S. provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

102 58 314.5
(Number)

Germany
(Country)

December 13, 2002
(Month/Day/Year Filed)

I/we hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I/we acknowledge the duty to disclose the material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status)

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Bayer CropScience



Date December 15, 2005

To PCT OPERATIONS

Company USPTO

Fax 571-273-3201 Pages 5

From Richard E.L. Henderson

Fax 412-777-3902/3912 Tel. 412-777-3860

Re: **CS-8535/LeA 36,334
PCT/EP2003/013498
Serial No. 10/538,242**

FAX

SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35
U.S.C. 371

Please find enclosed a Combined Declaration and Power of Attorney, executed by all of the inventors, to complete the subject application which was filed on June 7, 2005. Please charge the fee for filing the Declaration on a date later than the filing date, \$130.00, to Deposit Account No. 50-2510. This paper is also authorization to charge any insufficiency of fees which may be required to Deposit Account No. 50-2510.

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of this information to you does not constitute a waiver of confidentiality or privilege and that any review, disclosure, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in error, please immediately call the sender collect at the above phone number, so that we can arrange for the return of the original facsimile at our cost.

Page 2 of 2

Applicants respectfully request a Notice of Acceptance under 35
U.S.C. 371 be sent to Applicants' address of record.

Richard E.L. Henderson

Richard E.L. Henderson
Reg. No. 31,619

FULL NAME OF EIGHTH INVENTOR Ast. d Mauler-Machnik	INVENTOR'S SIGNATURE	DATE
RESIDENCE D 42799 Leichlingen, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF NINTH INVENTOR Jörg Nico Greul	INVENTOR'S SIGNATURE	DATE
RESIDENCE D 42799 Leichlingen, Germany	CITIZENSHIP German	11.05.21
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF TENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF ELEVENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF TWELFTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF THIRTEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF FOURTHEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF FIFTEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SIXTEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SEVENTEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		

*** TX STATUS REPORT ***

AS OF DEC 15 2005 14:10 PAGE.01
BAYER PATENT DEPT

30	DATE TIME 12/15 14:09 USPTO	TO/FROM	MODE EC--S	MIN/SEC 01'13"	PGS 005	JOB# 061	STATUS OK
----	--------------------------------	---------	---------------	-------------------	------------	-------------	--------------

Bayer CropScience



Date December 15, 2005
To PCT OPERATIONS
Company USPTO
Fax 571-273-3201 Pages 5
From Richard E.L. Henderson FAX
Fax 412-777-3902/3912 Tel. 412-777-3860
Re: CS-8535/LeA 36,334
PCT/EP2003/013498
Serial No. 10/538,242

**SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35
U.S.C. 371**

Please find enclosed a Combined Declaration and Power of Attorney, executed by all of the inventors, to complete the subject application which was filed on June 7, 2005. Please charge the fee for filing the Declaration on a date later than the filing date, \$130.00, to Deposit Account No. 50-2510. This paper is also authorization to charge any insufficiency of fees which may be required to Deposit Account No. 50-2510.

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of this information to you does not constitute a waiver of confidentiality or privilege and that any review, disclosure, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in error, please immediately call the sender collect at the above phone number, so that we can arrange for the return of the original facsimile at our cost.

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 412 777 3912

Fax Information
Date Received:
Total Pages:

12/15/2005 2:08:29 PM [Eastern Standard Time]
5 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

DEC 15 2005 14:09 FR BAYER PATENT DEPT 412 777 3912 TO 91571273281 P.01/05

Bayer CropScience



Date	December 15, 2005
To	PCT OPERATIONS
Company	USPTO
Fax	571-273-3201
From	Richard E.L. Henderson
Fax	412-777-3902/3912
Re:	Tel. 412-777-3860 CS-8836/LeA 38,334 PCT/EP2003/013498 Serial No. 10/638,242

FAX

SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35 U.S.C. 371

Please find enclosed a Combined Declaration and Power of Attorney, executed by all of the inventors, to complete the subject application which was filed on June 7, 2005. Please charge the fee for filing the Declaration on a date later than the filing date, \$130.00, to Deposit Account No. 50-2510. This paper is also authorization to charge any insufficiency of fees which may be required to Deposit Account No. 50-2510.

RECEIVED
DEC 15 2005

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of this information to you does not constitute a waiver of confidentiality or privilege and that any review, disclosure, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in error, please immediately call the sender collect at the above phone number, so that we can arrange for the return of the original facsimile at our cost.

PATENT APPLICATION
CS8535
LeA 36,334

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: DUNKEL ET AL.) GROUP:
S)
SERIAL NO: 10/538,242) EXAMINER: D. Williams
F)
FILED: 12/01/2003)
T)
ITLE: BIPHENYLCARBOXAMIDES)

PCT OPERATIONS
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

DECLARATION OF RICHARD E.L. HENDERSON

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Attn: BOX PCT

Sirs:

I, Richard E.L. Henderson, attorney for applicants in the above-identified application, declare that I have firsthand knowledge of the previous transmission of Submission of Missing Parts of Application Under 35 USC 371 on 15 December 2005. I executed the facsimile document on 15 December 2005 and it was submitted on that same date. According to our internal mailing/transmission procedures, items for submission to the USPTO are recorded into a daily journal on the date of submission. As proof of evidence I am enclosing a copy of the journal pages from 15 December 2005 in which the facsimile transmission to the USPTO for case number CS8535/LeA36,334 is recorded. A copy of the original facsimile with its contents, the Facsimile Transmittal and Auto Reply Facsimile Transmission from the USPTO are attached.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 10th day of October, 2007, at Research Triangle Park, NC.

Richard E.L. Henderson
Richard E.L. Henderson, Reg. 31,619
Attorney for Applicants

December 15, 2005 - Thursday

23

P08693/M004-84 (08)

Fee Transmittal (2); Utility Patent Application
Transmittal (2); Patent Application with
Combined Declaration & Power of Attorney;
Assignment with Recordation Form.

PTO 1449

MoCo 13-3848 Exp Mail Proc.
\$1,000.00 + 40.00

✓ P0-8685-US 153699 (LW)

Revocation of Power of Attorney with New Power of
Attorney and Change of Correspondence Address;
Statement Under 37 CFR 3.73(b); Recordation Form
Cover Sheet and Assignment (copy)

✓ P0-8686-US 153699 (LW)

Revocation of Power of attorney with New Power of
Attorney and Change of Correspondence Address;
Statement Under 37 CFR 3.73(b); Recordation Form
Cover Sheet; Assignment (copy)

✓ P0-8688 153699 (LW)

Revocation of Power of Attorney w/ New Power of
Attorney and Change of Correspondence Address;
Statement Under 37 CFR 3.73(b); Recordation
Form Cover Sheet; Assignment (copy)

✓ P0-8687-US 153699 (LW)

Revocation of Power of Attorney with New Power of
Attorney and Change of Correspondence Address;
Statement Under 37 CFR 3.73(b); Recordation
Form Cover Sheet; Assignment (copy)

Reo P08685US (LW)

Revocation; Change of Address

- Thursday - December 13, 2005 (continues)
- PO-86971/M002-185 (OB)
Fee Transmittal (2); Patent Application Transmittal (2); Patent Application with Declaration and Power of Attorney; Assignment Transmittal; Assignment, PTO Form 1449
Mo Co 13-3848 \$1,000.00 + \$40.00 EXP Mail Proc.
- PO-8000/M0-02-31 (JM)
Same Fee Transmittal & Certificate of Mailing; Publication Fee
Mo Co 13-3848 \$1,400.00 + \$300.00 + \$30.00
- PO 8694/M005-34 (OB)
Fee Transm. Hall (2); Utility Patent Application Transm. Hall (2); Patent Application with Combined Declaration and Power of Attorney; Assignment with Recordation Form, PTO 1449 Exp Mo.,
Mo Co 13-3848 \$1,000.00 + 40.00 Proc.
- PO 8695/M004-125 (OB)
Fee Transm. Hall (2); Utility Patent Application Transm. Hall (2); Patent Application without Combined Declaration & Power of Attorney;
PTO 1449 ^{Exp Mail Proc.}
Mo Co 13-3848 \$1,000.00
- CS 78430/LeA 34,883D (RH)
Preliminary Amendment
- PO7658/LeA 36,119 (GP)
Amendment
- PO8277/LeA36,817 (JM)
Response and Amendment Under 37 CFR 1.111

Thursday - December 15, 2005 (Continued)
 PO-8518 / SBU-159 (LW)

The Transmittal (2); Patent Application Transmittal (2); Patent Application with Declaration and Power of Attorney; Assignment Transmittal; Assignment; PTO Form 1449 and copies of foreign references; Priority document JP2004-375415; Certified Translation of P2004-375415

Mo Co 13-3848 - \$1,000.00 + \$40.00 EXP Mail Rec.

PO7506/La 35,966 (AP)
 Response

✓ Mo-7487/La 35,810 (JM)

Response and Amendment

✓ CS-8631 / BCS 055007 (RA)

Recordation Form Cover Sheet; Assignment

Mo Co 50-2510 - \$40.00

✓ PO-8639 / BM 5051104 (LW)

Recordation Form Cover Sheet; Assignment

Mo Co 13-3818 - \$40.00

✓ CS-8473 / La 36,223 (RH)

Recordation Form Cover Sheet; Assignment

Mo Co 50-2510 - \$40.00

✓ CS-8406 / La 36,087 (RH)

Information Disclosure Statement Under 37 C.F.R. 1.97(b). Form PTO1449 and articles listed therein

CS 8535 / La 36,334 (RH)

Submission of Missing Parts; Declaration
 Mo Co 50-2510 - \$130.00

FAXED TO USPTO

CS-8561 / La 36,404 (RH)

Submission of Missing Parts; Declaration

*** TX STATUS REPORT ***

AS OF DEC 15 2005 14:10 PAGE.01
BAYER PATENT DEPT

30	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
	12/15	14:09	USPTO	EC-S	01'13"	005	061	OK

Bayer CropScience



Date December 15, 2005
To PCT OPERATIONS
Company USPTO
Fax 571-273-3201 Pages 5
From Richard E.L. Henderson
Fax 412-777-3902/3912 Tel. 412-777-3860
Re: CS-8535/LeA 36,334
PCT/EP2003/013498
Serial No. 10/538,242

FAX

**SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35
U.S.C. 371**

Please find enclosed a Combined Declaration and Power of Attorney, executed by all of the inventors, to complete the subject application which was filed on June 7, 2005. Please charge the fee for filing the Declaration on a date later than the filing date, \$130.00, to Deposit Account No. 50-2510. This paper is also authorization to charge any insufficiency of fees which may be required to Deposit Account No. 50-2510.

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of this information to you does not constitute a waiver of confidentiality or privilege and that any review, disclosure, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in error, please immediately call the sender collect at the above phone number, so that we can arrange for the return of the original facsimile at our cost.

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 412 777 3912

Fax Information
Date Received:
Total Pages:

12/15/2005 2:08:29 PM [Eastern Standard Time]
5 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

DEC 15 2005 14:09 FR BAYER PATENT DEPT 412 777 3912 TO 91571273281 P.01/05

Bayer CropScience



Data	December 15, 2005
To	PCT OPERATIONS
Company	USPTO
Fax	571-279-3201 Pages 5
From	Richard E.L. Henderson
Fax	412-777-3002/3912 Tel. 412-777-3860 FAX
Re:	CS-8836/LeA 38,334 PCT/EP2003/013498 Serial No. 10/338,342

SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35 U.S.C. 371

Please find enclosed a Combined Declaration and Power of Attorney, executed by all of the inventors, to complete the subject application which was filed on June 7, 2005. Please charge the fee for filing the Declaration on a date later than the filing date, \$130.00, to Deposit Account No. 50-2510. This paper is also authorization to charge any insufficiency of fees which may be required to Deposit Account No. 50-2510.

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of the information to you does not constitute a waiver of confidentiality or privilege and that any review, disclosure, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in error, please immediately call the sender collect at the above phone number, so that we can arrange for the return of the original facsimile at our cost.

REC'D BY
DEC 15 2005

—PAGE 03—RCVD AT 12/15/2005 2:08:29 PM [Eastern Standard Time]—SVR:USPTO-EFDRF4/29-DNIS:2737231-CSID:1127773912-DURAT OI/mm95;0142

Bayer CropScience



Date December 15, 2005
To PCT OPERATIONS
Company USPTO
Fax 571-273-3201 Pages 5
From Richard E.L. Henderson
Fax 412-777-3902/3912 Tel. 412-777-3860
Re: **CS-8535/LeA 36,334
PCT/EP2003/013498
Serial No. 10/538,242**

FAX

**SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 35
U.S.C. 371**

Please find enclosed a Combined Declaration and Power of Attorney, executed by all of the inventors, to complete the subject application which was filed on June 7, 2005. Please charge the fee for filing the Declaration on a date later than the filing date, \$130.00, to Deposit Account No. 50-2510. This paper is also authorization to charge any insufficiency of fees which may be required to Deposit Account No. 50-2510.

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of this information to you does not constitute a waiver of confidentiality or privilege and that any review, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in error, please immediately call the sender collect at the above phone number, so that we can arrange for the return of the original facsimile at our cost.

Applicants respectfully request a Notice of Acceptance under 35
U.S.C. 371 be sent to Applicants' address of record.

Richard E.L. Henderson

Richard E.L. Henderson
Reg. No. 31,619

COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO

As a below named inventor, I/we hereby declare that:

My/our residence, post office address and citizenship are as stated below next to my/our name. I/we believe I am/we are the original, first and sole/joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

BIPHENYLCARBOXAMIDES

the specification of which is attached hereto,

or was filed on December 1, 2003

as a PCT Application Serial No. PCT/EP2003/013498

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims.

I/we acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I/we hereby claim priority benefits under Title 35, United States Code, §119 and § 119(e)(1) of any foreign and/or U.S. provisional application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

102 58 314.5
(Number)

Germany
(Country)

December 13, 2002
(Month/Day/Year Filed)

I/we hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I/we acknowledge the duty to disclose the material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Le A 36 334-US

I hereby appoint:

- Practitioner(s) associated with the Customer Number: 34469

as my/our attorney(s) or agent(s) to prosecute the application identified and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

- The address associated with the above-mentioned Customer Number.

FULL NAME OF SOLE OR FIRST INVENTOR Ralf Dunkel	INVENTOR'S SIGNATURE <i>Ralf Dunkel</i>	DATE 2005-05-11
RESIDENCE D 40789 Monheim, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SECOND INVENTOR Hans-Ludwig Elbe	INVENTOR'S SIGNATURE <i>Hans-Ludwig Elbe</i>	DATE 2005-06-01
RESIDENCE 42329 Wuppertal, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF THIRD INVENTOR Heiko Rieck	INVENTOR'S SIGNATURE <i>Heiko Rieck</i>	DATE 2005-06-10
RESIDENCE F 69110 Ste. Foy-lès-Lyon, France	CITIZENSHIP German	
POST OFFICE ADDRESS 9, rue Claude Monet, F 69110 Ste. Foy-lès-Lyon, France		
FULL NAME OF FOURTH INVENTOR Ulrike Wachendorff-Neumann	INVENTOR'S SIGNATURE <i>Ulrike Wachendorff-Neumann</i>	DATE 2005-05-13
RESIDENCE D 56566 Neuwied, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF FIFTH INVENTOR Peter Dahmen	INVENTOR'S SIGNATURE <i>Peter Dahmen</i>	DATE 2005-05-13
RESIDENCE D 41470 Neuss, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SIXTH INVENTOR Peter Lösel	INVENTOR'S SIGNATURE <i>Peter Lösel</i>	DATE 6.6.05
RESIDENCE D 51371 Leverkusen, Germany	CITIZENSHIP British	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF SEVENTH INVENTOR Karl-Heinz Kuck	INVENTOR'S SIGNATURE <i>Karl-Heinz Kuck</i>	DATE 2005-05-30
RESIDENCE D 40764 Langenfeld, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		

FULL NAME OF EIGHTH INVENTOR Ast. d Mauler-Machnik	INVENTOR'S SIGNATURE	DATE
RESIDENCE D 42799 Leichlingen, Germany	CITIZENSHIP German	
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF NINTH INVENTOR Jörg Nico Greul	INVENTOR'S SIGNATURE	DATE
RESIDENCE D 42799 Leichlingen, Germany	CITIZENSHIP German	11.05.21
POST OFFICE ADDRESS c/o Bayer CropScience AG, Alfred-Nobel-Str. 50, D 40789 Monheim, Germany		
FULL NAME OF TENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF ELEVENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF TWELFTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF THIRTEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF FOURTHEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF FIFTEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SIXTEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF SEVENTEENTH INVENTOR	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		